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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/981,644

10/16/2001

Jason Lango

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7020

48102 7590 11/15/2006

NETWORK APPLIANCE/BLAKELY  
12400 WILSHIRE BLVD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

EXAMINER

AILES, BENJAMIN A

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/981,644

Applicant(s)

LANGO ET AL.

Examiner

Benjamin A. Ailes

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 37 and 39-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 37 and 39-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date 04/10/2006, 06/09/2006
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 37 and 39-62 remain pending.

#### ***Response to Amendment***

2. Applicants' amendments to claims 39 and 46 overcome the 112, second paragraph rejection and the rejection has been withdrawn.

#### ***Response to Arguments***

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 37, 39, 42-46, 48-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Pinckney, III et al. (US 2002/0169926 A1), hereinafter referred to as Pinckney,

6. Regarding claim 37, Pinckney discloses a computer system comprising:  
a processor (Fig.2);  
a storage facility coupled to the processor (Fig. 3); and  
program code, for execution by the processor, to implement:

a first plurality of interfaces to initiate reading of packet meta-data and packets of payload data from the storage facility (p. 3, para. 0032, ll. 2-8); and

a second plurality of interfaces to output streaming media packets to a requesting client system on a network (p. 3, para. 0032, ll. 14-19), wherein the second plurality of interfaces collectively support a plurality of streaming media protocols (p.3, para. 0032, ll. 14-19), wherein the streaming media packets comprise the packet meta-data and the packets of payload data and are determined in response to a streaming media protocol requested by the client system (p. 2-3, para. 0031), and wherein the first plurality of interfaces are streaming media protocol independent and the second plurality of interfaces are streaming media protocol dependent (p. 3, para. 0033, p. 7, para. 0069).

7. Regarding claim 42, Pinckney discloses wherein the requested streaming media protocol is one of: Microsoft Media Streaming, Real Time Streaming Protocol, RealNetworks RealSystem (p. 7-8, para. 0069).

8. Regarding claim 43, Pinckney discloses wherein the second plurality of interfaces are configured to output a streaming media packet at a requested time (p. 4, para. 0042, ll. 8-13).

9. Regarding claim 44, Pinckney discloses wherein the second plurality of interfaces configured to output streaming media packets to the client system after packet meta-data and packets of payload data have been read from the storage facility (p. 3, para. 0033).

10. Regarding claim 45, Pinckney discloses wherein sizes of the streaming media packets depend upon the requested streaming media protocol (p. 8, para. 0072, ll. 1-3).
11. Regarding claim 56, Pinckney discloses wherein the streaming media packets are read from the storage facility asynchronously with respect to outputting the streaming media packets to the client on the network (p. 3, para. 0033).
12. Regarding claim 39, Pinckney discloses wherein the packet meta-data and the packets of payload data are read from the storage facility at a pace independent of a requested pace for streaming the streaming media packets (p. 3, para. 0033).
13. Claim 46 contains similar subject matter and is rejected under the same rationale as claim 37.
14. Claim 48 contains similar subject matter and is rejected under the same rationale as claim 42.
15. Claim 49 contains similar subject matter and is rejected under the same rationale as claim 43.
16. Claim 50 contains similar subject matter and is rejected under the same rationale as claim 44.
17. Claim 51 contains similar subject matter and is rejected under the same rationale as claim 45.
18. Claim 57 contains similar subject matter and is rejected under the same rationale as claim 39.
19. Claim 52 contains similar subject matter and is rejected under the same rationale as claim 37.

20. Claim 53 contains similar subject matter and is rejected under the same rationale as claim 44.

21. Claim 54 contains similar subject matter and is rejected under the same rationale as claim 44.

22. Regarding claim 55, Pinckney discloses the method further comprising:

if the streaming media data requested by the first client system is not in storage at the streaming media cache, then communicating a request for the streaming media data to a server storing the streaming media data requested by the first client system (p. 3 para. 0037).

receiving, at the streaming media cache, the streaming media data requested by the first client from the server (p. 3, para. 0037); and

storing, at the streaming media cache, the streaming media data requested by the first client (p. 3 para. 0037).

23. Claim 58 contains similar subject matter and is rejected under the same rationale as claim 56.

24. Claim 59 contains similar subject matter and is rejected under the same rationale as claim 39.

25. Claims 60-63 contain similar subject matter and are rejected under the same rationale as claims 52-55, 58 and 59.

***Claim Rejections - 35 USC § 103***

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2142

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

28. Claims 40 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinckney.

29. Regarding claims 40 and 47, Pinckney teaches the first plurality of interfaces conducting steps separately from the steps required by the set of second interfaces as taught in the rejection of claim 37, therefore it is deemed that it would have been obvious to one of ordinary skill in the art for the separate steps to have been completed in separate software layers. One of ordinary skill in the art would have recognized the separate steps being performed in separate software layers because they are independent steps that work together in the computer system.

30. Claims 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinckney in view of Jones et al. (U.S. 6,744,763), hereinafter referred to as Jones.

31. Regarding claim 41, Pinckney show substantial features of the claimed invention but fail to disclose a third plurality of interfaces configured to receive the packet meta-data, configured to adjust the packet meta-data to form adjusted packet meta-data, and to output the adjusted packet meta-data; wherein the streaming media packets are also determined in response to the adjusted packet meta-data. Jones discloses a method and apparatus for media data transmission and teaches a QuickTime file format, where the meta-data provides declarative, structural and temporal information about the actual media data. Jones goes on to further disclose that the QuickTime file format is well suited for situations where meta-data is modified and temporal mapping information is adjusted (col. 1, lines 65-67; col. 2, lines 1-5). If a meta-data can be created, being able to modify, update, or adjust it is a logical and obvious extension. Furthermore, having an ability to adjust meta-data increases interoperability between streaming media protocols. Hence, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to combine the teachings of Pinckney with the teaching of Jones to include the adjusting of meta-data (i.e. temporal mapping of meta-data which indexes into a specific time range of the media).



**Conclusion**

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Guo et al. (US 6,377,972 B1) teaches high quality data streaming wherein helper machines help forward, cache and buffer data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

baa

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PRIMARY EXAMINER